

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

**JOSE AGUILAR-PLATON, Individually  
and on Behalf of All Others Similarly  
Situating,**

**Plaintiff,**

**-against-**

**FG DINER INC. d/b/a TRIPLE CROWN  
DINER, ATHANASIOS FATSIS, and  
ANDRE GOUNARIS, Jointly and  
Severally,**

**Defendants.**

**20-cv-04860 (SJB)**

**STIPULATION OF DISMISSAL WITH  
PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in the above captioned action through their undersigned counsel that, in accordance with Rule 41(a)(2) of the Federal Rules of Civil Procedure, the Complaint in the above-captioned action and all claims alleged therein to be dismissed with prejudice, with each party to bear their own fees and costs; and that Plaintiffs are precluded from bringing any further claims under the Fair Labor Standards Act or New York Labor Law, or any federal, state or local law, for unpaid wages, including overtime pay, for the period set forth in Plaintiffs' Complaint.

IT IS HEREBY FURTHER STIPULATED AND AGREED that this Court shall retain jurisdiction to enforce the parties' Settlement Agreement.

**PELTON GRAHAM LLC**

By: 

Brent E. Pelton, Esq.

Taylor B. Graham, Esq.

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*Attorneys for Defendants*

**SO ORDERED**

**DATED this 9 day of February, 2022**

*/s/ Sanket J. Bulsara February 9, 2022*

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**HONORABLE SANKET J. BULSARA**  
**UNITED STATES MAGISTRATE JUDGE**  
Brooklyn, New York